S.B. Civil Misc. Appeal No.1262/2006
(The State of Rajasthan Vs. Smt. Sushma Vaghla)

Date : 8.9.2006

HON'BLE MR. PRAKASH TATIA, J.

Mr. Narendra Moolchandani, Dy. Govt. Advocate for the appellant.

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Heard learned counsel for the appellant.

The grievance of the appellant State is that the court below committed error of law in allowing the review petition by order dated 18.7.2005 and wrongly held that the claimant in the land acquisition proceeding is entitled to get the interest @ 9% p.a. over the compensation amount from the date of taking possession of the land by the State till the award was passed i.e. Upto July, 1995 and from August, 1995 @ 15% p.a.

It appears from the impugned order that the court below was of the view that the land acquisition proceeding was decided in favour of the claimant and there were two issues, one in respect to the compensation of the land and another for awarding of interest and solitum. The civil court decided both the issues in favour of the claimant-respondent, but in operative part inadvertently the interst has not been allowed to the claimant.

There is no error in the impugned order, rather say,

the court below has corrected its mistake by impugned order and rightly awarded interest to the claimant.

In view of the above, this appeal, having no merit, is hereby dismissed.

(PRAKASH TATIA), J.

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